

**UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

RUSSELL JUNIOR MCCRAY, III,

Plaintiff,

v.

BOWLERO ATLANTIC STATION,  
LLC,

Defendant.

CIVIL ACTION FILE NO.:

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**DEFENDANT’S NOTICE OF REMOVAL**

Defendant Bowlero Atlantic Station, LLC (hereinafter “Defendant” or “Bowlero”) pursuant to 28 U.S.C. § 1446, files its Notice of Removal to the United States District Court for the Northern District of Georgia, Atlanta Division, and, in support of its notice, shows the Court as follows:

1.

Plaintiff Russell Junior McCray, III filed his Complaint in Civil Action File No. 2023CV388860 in the Superior Court of Fulton County, Georgia on November 15, 2023. The Complaint names Bowlero Atlantic Station, LLC as the only Defendant. In accordance with 28 U.S.C. § 1446(a), a copy of the Complaint and

all process and orders from the superior court action which were served upon Defendant are attached as **Exhibit “A.”**

2.

Plaintiff McCray served a copy of his Summons and Complaint upon Defendant on November 17, 2023. See Affidavit of Service on Defendant attached as **Exhibit “B.”**

3.

At the time of filing the Complaint, Plaintiff McCray was a citizen and resident of the State of Georgia. See Exhibit A, Complaint at ¶ 1.

4.

Defendant is a Delaware limited liability company, with its principal place of business in Virginia. See Defendant’s 2023 Annual Registration from the Georgia Secretary of State’s Division of Corporations attached as **Exhibit “C.”** See also Exhibit A, Complaint at ¶ 2.

5.

Defendant’s sole member is AMF Bowling Centers, Inc., a Virginia corporation with its principal place of business in Virginia. See Defendant’s Application for Certificate of Authority attached as **Exhibit “D.”**

6.

In accordance with 28 U.S.C. § 1332(a), there exists diversity of citizenship between Plaintiff McCray and Defendant Bowlero.

7.

Plaintiff McCray claims damages resulting from a November 21, 2021 alleged incident, including past and future medical expenses, lost wages, and pain and suffering. See Exhibit A, Complaint at ¶¶ 31-34.

8.

Plaintiff claims past medical expenses and lost wages totaling over \$300,000.00 and future medical costs and expenses exceeding \$56,000.00. See Exhibit A, Complaint at ¶¶ 32-34.

9.

The amount in controversy, exclusive of interest and cost, exceeds the threshold sum of \$75,000 as required by 28 U.S.C. § 1332(a).

10.

This civil action is properly removable to this Court pursuant to 28 U.S.C. §§ 1332(a), 1441(a), and 1446(b).

11.

Defendant files this Notice of Removal timely in accordance with 28 U.S.C. § 1446(b) because it filed it within thirty days of service.

12.

. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) as the U.S. District Court for the Northern District of Georgia Atlanta Division is the federal judicial district embracing the Superior Court of Fulton County, Georgia where this action was originally filed.

13.

Pursuant to 28 U.S.C. § 1446(d), Defendant has provided notice to all adverse parties and will file a copy of this Notice of Removal with the Clerk of the Superior Court of Fulton County, Georgia.

**WHEREFORE**, Defendant Bowlero Atlantic Station, LLC respectfully requests that the Court assume jurisdiction over this matter.

(SIGNATURE ON FOLLOWING PAGE)

Respectfully submitted this 15<sup>th</sup> day of December, 2023.

**WILSON ELSEER MOSKOWITZ  
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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

This is to certify that on this date I filed and served the foregoing **NOTICE OF REMOVAL** via e-mail and the Court's electronic filing system, which will send electronic notification to the following counsel of record:

Christine A. Forsythe  
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*Counsel for Plaintiff*

Dated: December 15, 2023

**WILSON ELSEER MOSKOWITZ  
EDELMAN & DICKER, LLP**

/s/ Jason S. Stewart  
Jason S. Stewart  
Georgia Bar No. 793252